

**ASSEMBLY BILL**

**No. 2477**

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**Introduced by Assembly Member Patterson  
(Coauthors: Assembly Members Gatto and Lackey)**

February 19, 2016

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An act to amend Section 1202.46 of the Penal Code, relating to victim restitution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2477, as introduced, Patterson. Victim restitution: jurisdiction.

Existing law requires a court to impose a separate and additional restitution fine in each case in which a person is convicted of a crime. If the economic losses of a victim cannot be ascertained at the time of sentencing, existing law requires a court to retain jurisdiction over a person subject to a restitution order for purposes of imposing or modifying restitution until such time as the losses may be determined. Two state appellate court decisions have held that under state law a court acts in excess of its jurisdiction by ordering restitution or modifying a restitution order after the expiration of a defendant's probation.

This bill would expressly abrogate the holdings in those decisions by requiring the court to retain jurisdiction over a defendant for purposes of imposing or modifying restitution at any time.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. It is the intent of the Legislature to clarify the  
2 proper application of Section 1202.46 of the Penal Code and to  
3 abrogate the holdings in *Hilton v. Superior Court* (2014) 239  
4 Cal.App.4th 766 and *People v. Waters* (2015) 241 Cal.App.4th  
5 822.  
6     SEC. 2. Section 1202.46 of the Penal Code is amended to read:  
7     1202.46. ~~Notwithstanding Section 1170, when the economic~~  
8 ~~losses of a victim cannot be ascertained at the time of sentencing~~  
9 ~~pursuant to subdivision (f) of Section 1202.4, Sections 1170,~~  
10 ~~1202.4, and 1203.3, or any other law, and regardless of the type~~  
11 ~~of sentence imposed or suspended, the court shall retain jurisdiction~~  
12 ~~over a person subject to a restitution order a defendant for purposes~~  
13 ~~of imposing or modifying restitution until such time as the losses~~  
14 ~~may be determined. Nothing in this section shall be construed as~~  
15 ~~prohibiting at any time. This section does not prohibit a victim,~~  
16 ~~the district attorney, or a court on its own motion from requesting~~  
17 ~~correction, at any time, of a sentence when the sentence is invalid~~  
18 ~~due to the omission of a restitution order or fine without a finding~~  
19 ~~of compelling and extraordinary reasons pursuant to Section~~  
20 ~~1202.4. fine.~~